

IN RE: PETITION FOR RESIDENTIAL ZONING VARIANCE  
S/S Jackson Road, 12 ft. W of S/W Highshire Court, Lot 4  
Subdivision of Dunshire Townhouse\* OF BALTIMORE COUNTY  
12th Election District  
7th Councilmanic District  
Carl Vincent Lingelbach, et ux  
Petitioners

#### FINDINGS OF FACT AND CONCLUSIONS OF LAW

The Petitioners herein request a variance from Sections 504 and V.B.6.b (CMOP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a window to property line setback of 12 ft. in lieu of the required 15 ft., and to amend any last approved development plan for Dunshire Townhouses for Lot No. 4, as more particularly described on Petitioners' Exhibit No. 1.

The Petitioners having filed a Petition for Residential Variance and the subject property having been posted and there being no request for a public hearing, a decision shall be rendered based upon the documentation presented.

The Petitioners have filed the supporting affidavits as required by Section 26-127 (b)(1) of the Baltimore County Code. Based upon the information available, there is no evidence in the file to indicate that the requested variance would adversely affect the health, safety or general welfare of the public and should therefore be granted. In the opinion of the Zoning Commissioner, the information, pictures, and affidavits submitted provide sufficient facts that comply with the requirements of Section 307.1 of the B.C.Z.R. Furthermore, strict compliance with the B.C.Z.R. would result in practical difficulty and/or unreasonable hardship upon the Petitioners.

Pursuant to the posting of the property and the provisions of both the Baltimore County Code and the Baltimore County Zoning Regulations, and for the reasons given above, the requested variance should be granted.

THEREFORE, IT IS ORDERED by the Zoning Commissioner for Baltimore County this 31st day of January 1992 that the Petition for a Zoning Variance from Sections 504 and V.B.6.b (CMOP) of the Baltimore County Zoning Regulations (B.C.Z.R.) to permit a window to property line setback of 12 ft. in lieu of the required 15 ft., and to amend any last approved development plan for Dunshire Townhouses for Lot No. 4, in accordance with Petitioners' Exhibit No. 1, is hereby GRANTED, subject, however, to the following restriction which are conditions precedent to the relief granted herein:

1. The Petitioners may apply for their building permit and be granted same upon receipt of this Order; however, Petitioners are hereby made aware that proceeding at this time is at their own risk until such time as the 30 day appellate process from this Order has expired. If, for whatever reason, this Order is reversed, the Petitioners would be required to return, and be responsible for returning, said property to its original condition.

LAWRENCE E. SCHMIDT  
Zoning Commissioner  
for Baltimore County

LES:mmn

Suite 113, Courthouse  
400 Washington Avenue  
Towson, MD 21204

(410) 887-4386

January 30, 1992

Mr. and Mrs. Carl V. Lingelbach  
1815 Jackson Road  
Dundalk, Maryland 21222

RE: Petition for Residential Zoning Variance  
Case No. 92-248-A

Dear Mr. and Mrs. Lingelbach:

Enclosed please find the decision rendered in the above captioned case. The Petition for Residential Variance has been granted, in accordance with the attached Order.

In the event the decision rendered is unfavorable to any party, please be advised that any party may file an appeal within thirty (30) days of the date of the Order to the County Board of Appeals. If you require additional information concerning filing an appeal, please feel free to contact our Appeals Clerk at 887-3391.

Very truly yours,

LAWRENCE E. SCHMIDT  
Zoning Commissioner

LES:mmn  
encl.

## PETITION FOR RESIDENTIAL VARIANCE

TO THE ZONING COMMISSIONER OF BALTIMORE COUNTY:

The undersigned, legal owner(s) of the property situated in Baltimore County and which is described in the description and plat attached hereto and made a part hereof, petition for a Variance from Section 504.b (CMOP) to permit a window to property line setback of 12 ft. in lieu of the required 15 ft. and to amend any last approved development plan for Dunshire Townhouses for Lot 4.

- APPROVED DEVELOPMENT PLAN FOR DUNSHIRE TOWNHOUSES FOR LOT 4
- of the Zoning Regulations of Baltimore County, to the Zoning Law of Baltimore County, for the following reason(s) (indicate hardship or practical difficulty):
1. This area lends itself to the utilization of the existing facilities and land without interruption or major alterations to the present floor plan patterns.
  2. Insulate and reduce heating bills.
  3. Reduce outside noise.
  4. A place to sit out and not be concerned with the weather, bugs; flies, mosquitoes, etc.
  5. Improve appearance of house.

Property is to be advertised and/or posted as prescribed by Zoning Regulations.

I, or we, agree to pay expenses of the above Variance posting and, if necessary, advertising, upon filing of this petition, and further agree to and are to be bound by the zoning regulations and restrictions of Baltimore County adopted pursuant to the Zoning Law for Baltimore County.

I/We do solemnly declare and affirm, under the penalties of perjury, that I/we are the legal owner(s) of the property which is the subject of this Petition.

Contract Purchaser:

(Type or Print Name)

Signature

Address

City/State/Zip Code

Attorney for Petitioner:

(Type or Print Name)

E. L. Tice

Signature

Address

GLEN BURNIE, MD. 21061

Attorney's telephone number 760-1919

Legal Owner(s):

CARL VINCENT LINGELBACH

(Type or Print Name)

Signature CARL VINCENT LINGELBACH

Signature CATHERINE SMITH LINGELBACH

(Type or Print Name)

Signature CATHERINE SMITH LINGELBACH

Address 1815 JACKSON ROAD

DUNDALK, MD. 21222

City/State/Zip Code

Name, address and phone number of legal owner, contract purchaser or representative to be contacted.

PATIO ENCLOSURES, INC.

Name 224 8th AVENUE, N.W.

GLEN BURNIE, MD. 21061

Address

Attorney's telephone number 760-1919

ORDERED by the Zoning Commissioner of Baltimore County, this 17th day of DEC, 1992, that the subject matter of this petition be posted on the property on or before the 5th day of JAN, 1992.

JOHN P. ARMSTRONG, JR.

ZONING COMMISSIONER OF BALTIMORE COUNTY

A PUBLIC HEARING HAVING BEEN REQUESTED AND/OR FOUND TO BE REQUIRED, IT IS FURTHER ORDERED by the Zoning Commissioner of Baltimore County, this 19th day of DEC, 1992, that the subject matter of this petition be advertised, as required by the Zoning Law of Baltimore County, in two newspapers of general circulation throughout Baltimore County, that the property be posted, and that the public hearing be held before the Zoning Commissioner of Baltimore County in Room 100, County Office Building in Towson, Baltimore County.



REVIEWED BY: DATE:

ZONING COMMISSIONER OF BALTIMORE COUNTY

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## AFFIDAVIT

IN SUPPORT OF RESIDENTIAL ZONING VARIANCE

The undersigned hereby affirms under the penalties of perjury to the Zoning Commissioner of Baltimore County, as follows:

That the information herein given is within the personal knowledge of the Affiant(s) and Affiant(s) is/are competent to testify thereto in the event that a public hearing is scheduled in the future with regard thereto.

That the Affiant(s) does/do presently reside at 1815 JACKSON ROAD, DUNDALK, MD. 21222

(Address)

That based upon personal knowledge, the following are the facts upon which I/we base the request for a Residential Zoning Variance at the above address: (indicate hardship or practical difficulty)

1. This area lends itself to the utilization of existing facilities and land without interruption or major alterations to the present floor plan patterns.
2. Insulate and reduce heating bills.
3. Reduce outside noise.
4. A place to sit out and not be concerned with the weather, bugs, mosquitoes, flies, etc.
5. Improve appearance of house.

That Affiant(s) acknowledge(s) that if protest is filed, Affiant(s) will be required to pay a reporting and advertising fee and may be required to provide additional information.

CARL VINCENT LINGELBACH  
AFFIANT (Handwritten Signature)  
CARL VINCENT LINGELBACH  
AFFIANT (Printed Name)

CATHERINE SMITH LINGELBACH  
AFFIANT (Handwritten Signature)  
CATHERINE SMITH LINGELBACH  
AFFIANT (Printed Name)

STATE OF MARYLAND, COUNTY OF BALTIMORE, to wit:

I HEREBY CERTIFY, this 18th day of NOVEMBER, 1991, before me, a Notary Public of the State of Maryland, in and for the County aforesaid, personally appeared

Catherine Smith Lingelbach, aka Catherine Smith & Carl Vincent Lingelbach

the Affiant(s) herein, personally known or satisfactorily identified to me as such Affiant(s), and made oath in due form of law that the matters and facts hereinabove set forth are true and correct to the best of his/her/their knowledge and belief.

AS WITNESS my hand and Notarial Seal.

11/10/91  
DATE

NOTARY PUBLIC

My Commission Expires: 2/1/95

#### LEGAL DESCRIPTION OF PROPERTY

Beginning on the South side of Jackson Road, 50' wide, at a distance of 12' West of the centerline of Highshire Court. Being Lot 4 in the subdivision of Dunshire Townhouses. Book 42, Folio 96. Also known as 1815 Jackson Road. In the 12th election district.

#### CERTIFICATE OF POSTING

ZONING DEPARTMENT OF BALTIMORE COUNTY  
Towson, Maryland

District: 12th Date of Posting: 1/3/92  
Posted for: Carl Vincent Lingelbach  
Petitioner: Carl Vincent Lingelbach  
Location of property: S/S Jackson Rd. W. of Highshire Court  
Location of Sign: 1815 Jackson Rd. Dundalk, MD. 21222  
Remarks: [Signature]  
Posted by: [Signature] Date of return: 1/10/92  
Number of Signs: 1

Baltimore County  
Zoning Commissioner  
County Office Building  
111 West Chesapeake Avenue  
Towson, Maryland 21204

Account: R-001-6150  
Number

Date

PAID TO: [Signature]

PAID TO: [Signature]

PAID TO: [Signature]

PAID TO: [Signature]

PAID TO: [Signature]

PAID TO: [Signature]

04-001-1045812-17-91  
BA 0104-26AM12-17-91  
Please Make Checks Payable To: Baltimore County

\$60.00

Counter Validation

111 West Chesapeake Avenue  
Towson, MD 21204

(410) 887-3353

January 21, 1992

Mr. Robert L. Tice  
Patio Enclosures, Inc.  
224 8th Avenue, N.W.  
Glen Burnie, MD 21061

RE: Item No. 263 Case No. 92-248-A  
Petitioner: Carl V. Lingelbach, et ux  
Petition for Residential Variance

Dear Mr. Tice:

The Zoning Plans Advisory Committee (ZAC) has reviewed the plans submitted with the above referenced petition. The attached comments from each reviewing agency are not intended to assure that all parties, i.e. Zoning Commissioner, attorney and/or the petitioner, are made aware of plans or problems with regard to the proposed improvements that may have a bearing on this case.

Enclosed are all comments submitted thus far from the members of ZAC that offer or request information on your petition. If additional comments are received from other members of ZAC, I will forward them to you. Otherwise, any comment that is not informative will be placed in the hearing file. This petition was accepted for filing on the date of the enclosed filing certificate and a hearing scheduled accordingly.

The following comments are related only to the filing of future zoning petitions and are aimed at expediting the petition filing process with this office.

1) The Director of Zoning Administration and Development Management has instituted a system whereby seasoned zoning attorneys who feel that they are capable of filing petitions that comply with all aspects of the zoning regulations and petitions filing requirements can file their petitions with this office without the necessity of a review by Zoning personnel.





693 842

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This Deed, Made This 6 day of MARCH  
in the year one thousand nine hundred and eighty-four by and between  
DUNSHIRE JOINT VENTURE, a Joint Venture  
of the State of Maryland  
/CATHERINE J. SMITH

of the second part, that the actual consideration paid or to be paid is \$58,900.00; and  
FURTHER, That in consideration of the sum of Five (\$5.00) Dollars and other good  
and valuable considerations, the receipt whereof is hereby acknowledged.

the said party of the first part  
do es grant and convey to the said party of the second part, her  
personal representatives/successors and assigns, in fee simple, all  
- THAT - lot of ground situate in BALTIMORE COUNTY, STATE OF MARYLAND,  
and described as follows, that is to say:

BEING KNOWN AND DESIGNATED as Lot No. 4, Block D, as shown on a Plat entitled  
"DUNSHIRE TOWNHOUSES", which Plat is recorded among the Land Records of Baltimore  
County in Plat Book E.H.K., Jr. No. 42 folio 96.  
The improvements thereon being known as No. 1815 JACKSON ROAD.

BEING part of the tract of land described in a Deed dated March 23, 1983 and  
recorded among the Land Records of Baltimore County in Liber E.H.K., Jr. No. 6544  
folio 819, from Dundalk Terrace, Inc., now known as Dunshire Gardens Apartments,  
Inc., unto the said within named GRANTEE.

STATE DEPARTMENT OF  
ASSESSMENTS & TAXATION  
CLERK DATE

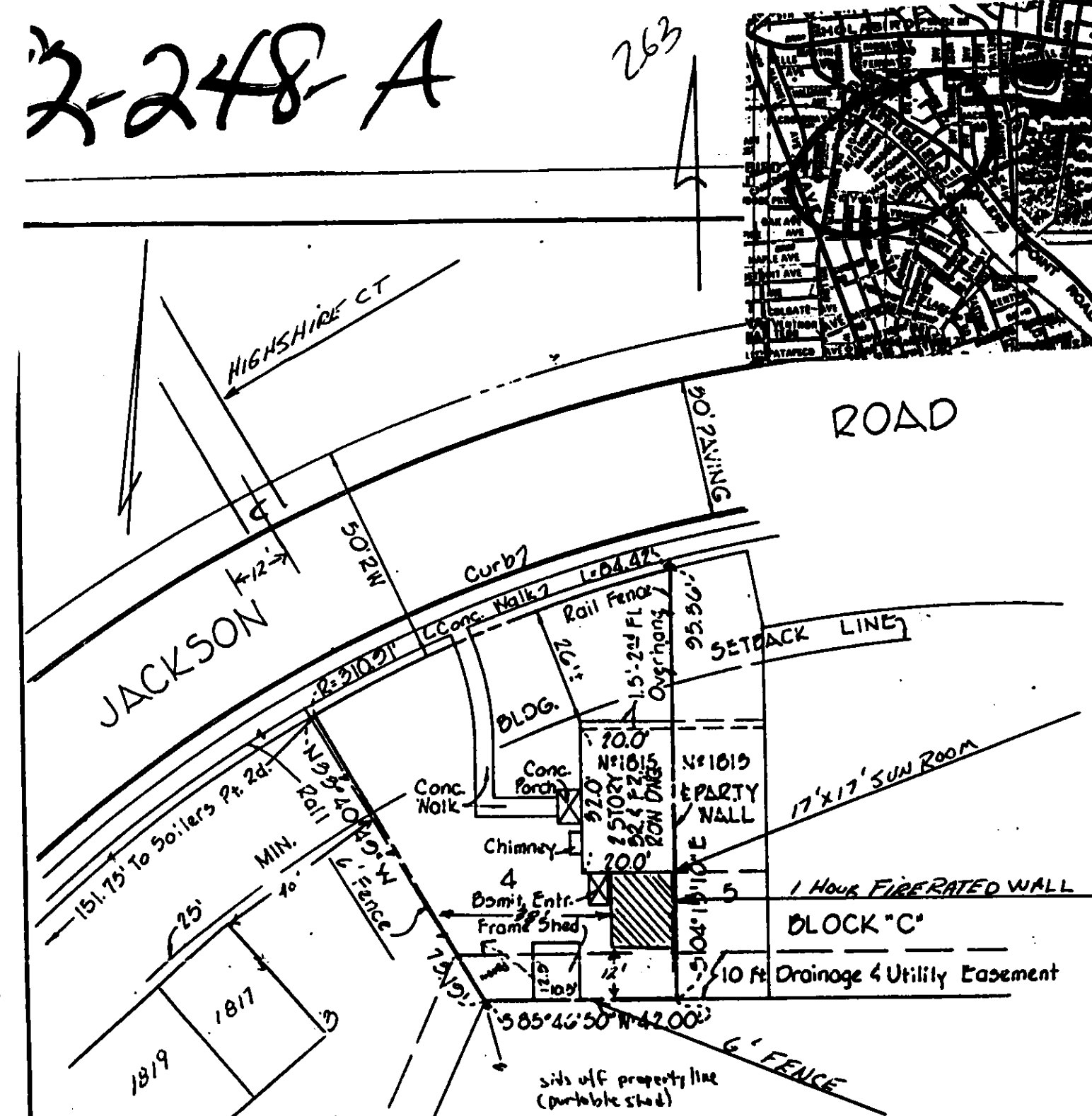
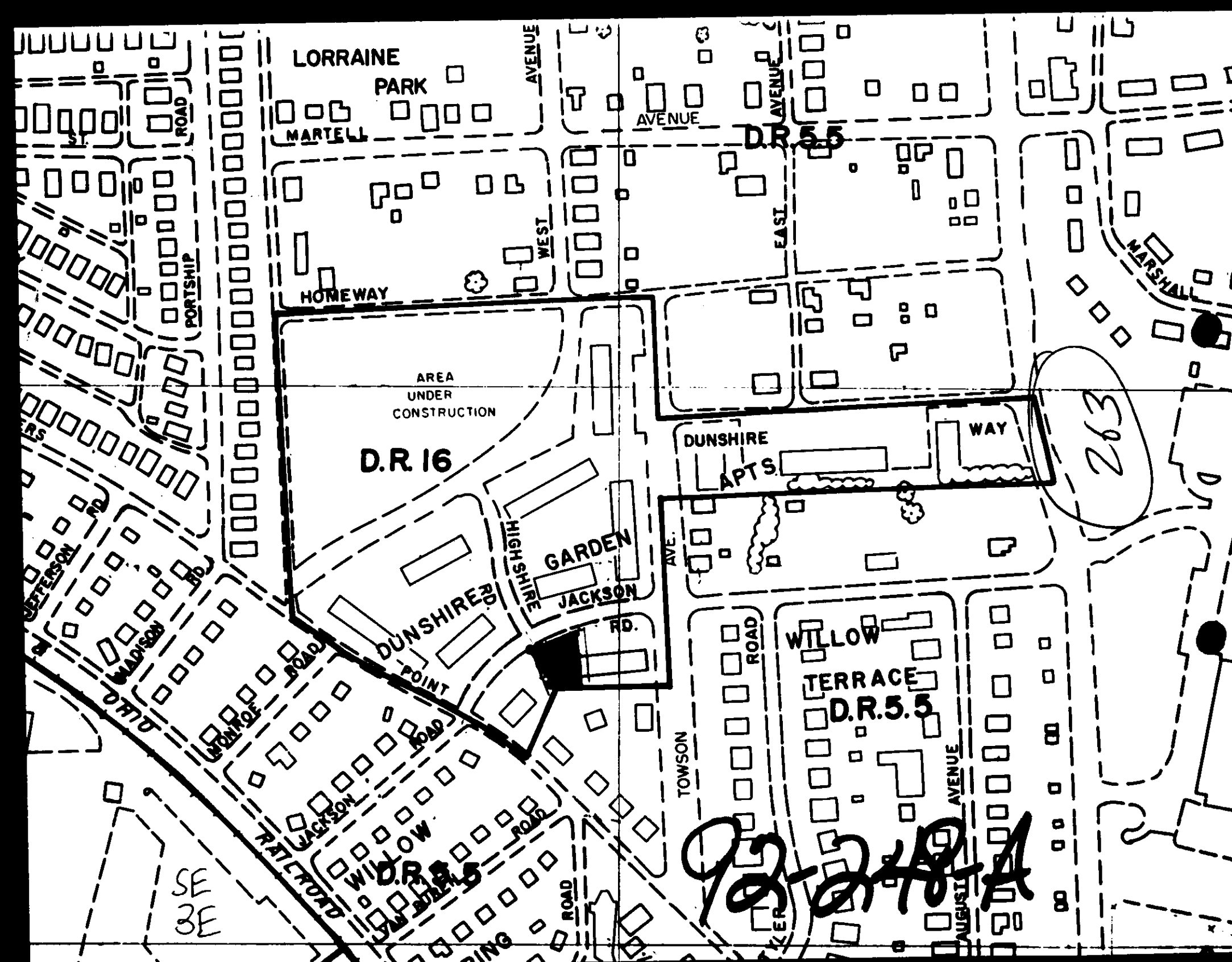
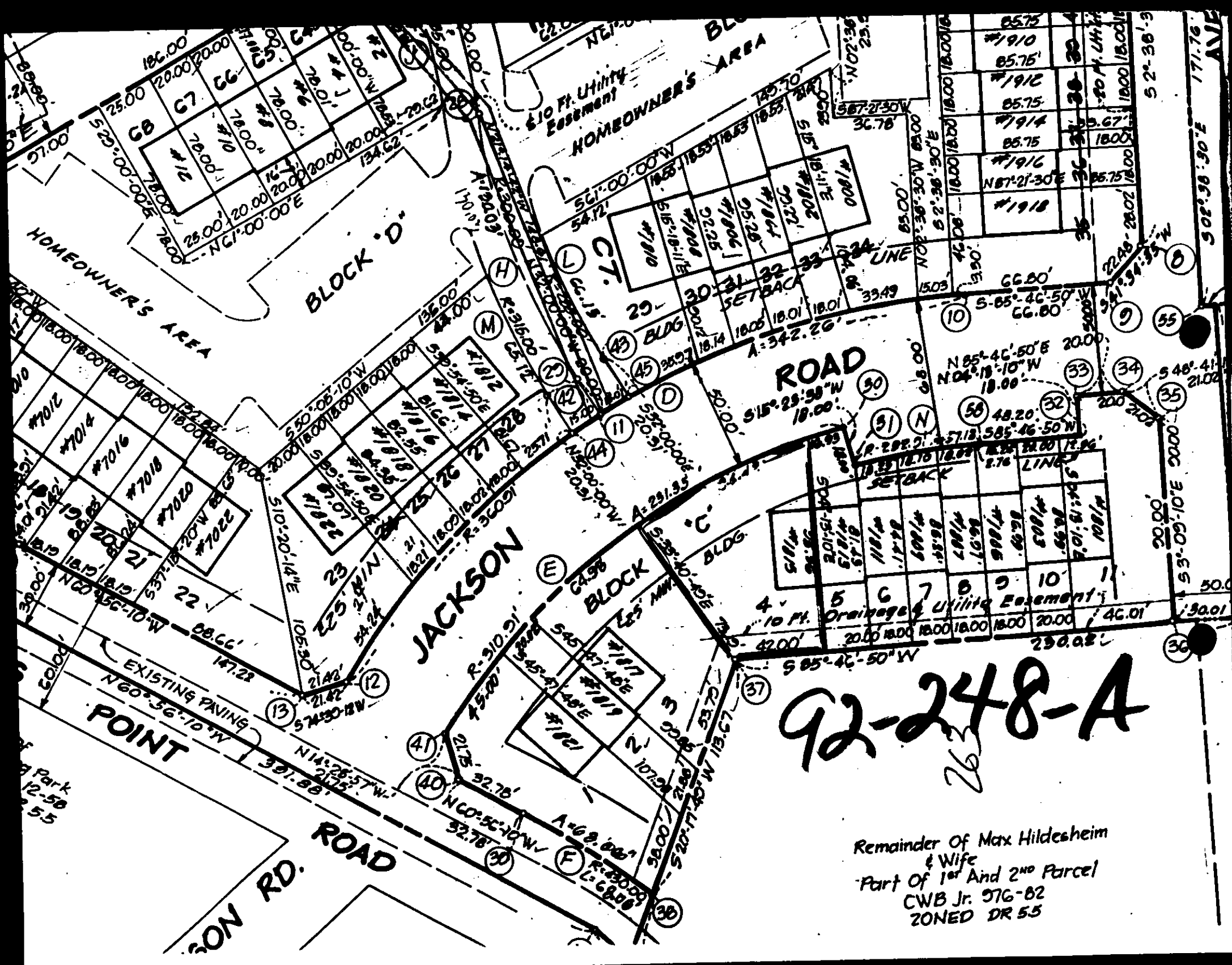
SIGNATURE DATE  
3/19/84

B 8123\*\*\*\*\*94250\*\* 21324



92-248-A

#263



I hereby certify that I have made a  
survey of this lot for the purpose  
of locating the improvements thereon  
and that they are located as shown.

George A. Laine  
REG. NO. 8012

SCALE	LOCATION SURVEY
1" = 30'	1815 Jackson Road 12th District Balto., Md.
DATE	GENERAL SURVEYING CO.
3/19/84	LAND & TOPOGRAPHIC SURVEYS
JOB No.	9 Lake Forest Court
8746	Baltimore, Md. 21236

Owner: Catherine J. Smith  
1815 Jackson Road  
Baltimore, Md. 21222

Councilmanic District: 7  
Lot No. - 4  
Subdivision: Dunshire Townhouses  
Scale - 1"=30'  
Zone - DR 16  
Election District - 12  
Block - 42  
Folio - 96  
Front - 84.42  
Rear - 42.00  
S-1 - 95.36  
S-2 - 73.19  
Sq. Ft. 5,217 Acreage .119  
Plat attached  
Plat to accompany zoning variance  
200 scale map attached SE 3E  
Aerial Map attached  
Photo attached

ADJOINING NEIGHBOR

ROSE KRAUS  
1815 JACKSON ROAD  
DUNDALK, MD. 21222

